

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

**RECEIVED**

SEP 30 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Petition of the Illinois Commerce Commission )  
 for Temporary Waiver of 47 C.F.R. Section )  
 52.19(c)(3)(ii) )

CC Docket No. 96-98

File No. NSD-L-99-65

**REPLY COMMENTS OF WINSTAR COMMUNICATIONS, INC.**

WinStar Communications, Inc. ("WinStar"), by its attorneys, hereby respectfully submits this reply to the comments submitted to the Commission on September 16, 1999 in connection with the Petition for Expedited Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) ("Petition") submitted by the Illinois Commerce Commission ("ICC").<sup>1</sup>

In its comments, WinStar explained that the ICC failed to satisfy its considerable burden of demonstrating that there is "good cause" for the Commission to waive the mandatory ten-digit dialing requirements of Section 52.19. Specifically, WinStar noted that the effect on consumers in the Chicago area of implementation of ten-digit dialing pursuant to the timeframe established by Section 52.19 would not, as claimed by the ICC, create dialing inequities and exacerbate service disruption and consumer confusion. As WinStar explained, and as MCI WorldCom also noted, many consumers in the Chicago area *already* must dial ten or eleven digits for many calls in the metropolitan area, on a regular basis.<sup>2</sup> Given these circumstances, WinStar again asserts that it is difficult to understand how implementation, over an 18-month period, of mandatory ten-

<sup>1</sup> Pursuant to Public Notice, DA 99-1631, released on August 16, 1999, interested parties may file comments on the Petition by September 16, 1999. These Comments therefore are timely filed.

<sup>2</sup> See WinStar Comments at 3-5; MCI WorldCom Comments at 3-4.

digit dialing throughout the Chicago metropolitan area will result in any more “dialing inequalities” or “10- or 11- digit dialing ‘islands’” than already exist as a result of the five area codes currently in place.<sup>3</sup>

Moreover, based on their familiarity with dialing ten- or eleven-digits within the region, Chicago-area consumers should adjust reasonably well and quickly to dialing more than seven digits for *all* calls – and, indeed, actually should experience less confusion and service disruption if universal mandatory ten-digit dialing is implemented sooner rather than later. In that regard, WinStar again would emphasize that “permissive” eleven-digit dialing already exists in all Ameritech switches in the Chicago area, and in virtually all of Ameritech’s competitors’ switches. Indeed, in its comments Ameritech itself applauds the ICC’s “foresight” in implementing permissive eleven-digit dialing in the Chicago metropolitan area – thereby effectively admitting that Chicago-wide eleven-digit dialing is possible, and, indeed, is in place right now.<sup>4</sup> Clearly, as both WinStar and MCI WorldCom explained, it is possible for Chicago customers to dial *all* their calls using eleven digits today, with *no* impact on the rating or routing of their calls.<sup>5</sup>

WinStar submits that the ICC should take full advantage of its foresight regarding numbering optimization measures, and, accordingly, strongly agrees with MCI WorldCom that there is no barrier, either technological or otherwise, to the uniform implementation of ten-digit dialing throughout the Chicago area to precede or coincide with implementation of the first overlay area code.<sup>6</sup> While WinStar appreciates the concerns of the ICC regarding consumer

---

<sup>3</sup> See WinStar Comments at 4.

<sup>4</sup> See Ameritech Comments at 5.

<sup>5</sup> See WinStar Comments at 4; MCI WorldCom Comments at 3.

<sup>6</sup> See MCI WorldCom Comments at 3.

education efforts, WinStar agrees with MCI WorldCom that educating and training consumers now, rather than eighteen months from now, will facilitate a smoother and more timely transition to mandatory ten-digit dialing.<sup>7</sup> Ultimately, expedited mandatory ten-digit dialing – or ten-digit dialing implemented according to the timeframe established by Section 52.19 – will redound to the benefit of consumers and carriers alike.

Finally, WinStar continues to urge the Commission not to lose sight of the potentially devastating effects of the waiver on competitive carriers, and of the corrosive effect piecemeal waiver grants will have on the Commission's ongoing efforts to establish and implement an effective and efficient national numbering resource optimization framework. As MCI WorldCom notes, the mandatory ten-digit dialing requirement serves a significant, procompetitive purpose by eliminating a dialing disparity that otherwise would exist between end users with telephone numbers in the preexisting area code, and end users with numbers in the overlay area code.<sup>8</sup> Further, as WinStar detailed in its comments, this disparity translates into a significant competitive advantage for incumbents over competitive carriers.<sup>9</sup> WinStar submits that continuing grant of waivers of Section 52.19 on a state-by-state basis would undermine the procompetitive objectives underlying the ten-digit dialing requirement, and, on a broader level, certainly also would impede the Commission's efforts to slow the rate of number exhaust throughout the United States and to prolong the life of the North American Numbering Plan.

---

<sup>7</sup> See MCI WorldCom Comments at 5.

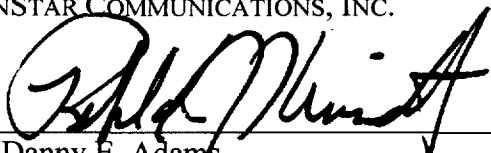
<sup>8</sup> See MCI WorldCom Comments at 1; *see also* WinStar Comments at 6-7.

<sup>9</sup> See WinStar Comments at 6-7; MCI WorldCom Comments at n.1.

For the foregoing reasons, and for the reasons set forth in WinStar's initial comments, the Commission should deny the Petition for Expedited Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii).

Respectfully submitted,

WINSTAR COMMUNICATIONS, INC.

By: 

Danny E. Adams

Rebekah J. Kinnett

KELLEY DRYE & WARREN LLP

1200 19th Street, N.W.

Suite 500

Washington, D.C. 20036

(202) 955-9600

Robert G. Berger  
Russell C. Merbeth  
Daniel F. Gonos  
WINSTAR COMMUNICATIONS, INC.  
1146 19th Street, N.W.  
Washington D.C. 20036  
(202) 530-7659

September 30, 1999

Its Attorneys

**CERTIFICATE OF SERVICE**

I, Rebekah J. Kinnett, hereby certify that on this 30th day of September, 1999 two copies of the foregoing Comments of WinStar Communications, Inc. were served by hand on the following:

Al McCloud  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
Portals II  
445 12th Street, S.W.  
Room 6A-320  
Washington, D.C. 20554

  
Rebekah J. Kinnett